

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

A. DOUGLAS MURCH,

Plaintiff,

v.

THE PRUDENTIAL WELFARE BENEFIT
PLAN, an ERISA Plan, and AETNA LIFE
INSURANCE COMPANY,

Defendants.


No. C05-0992MJP

ORDER ON PLAINTIFF'S MOTION
FOR CLARIFICATION

This case comes before the Court on Plaintiff's Motion for Clarification re: May 23, 2006 Order on Summary Judgment (Dkt. No. 36). Plaintiff seeks clarification whether or not the Court will retain jurisdiction over this case while Plaintiff's ERISA claims are on remand to Aetna. The Court has the power to retain a case on remand, or to enter final judgment. Maida v. Life Ins. Co. of North America, 949 F. Supp. 1087, 1094 (S.D.N.Y. 1997). Where it is likely that a plaintiff in an ERISA matter will need to seek the Court's review again after remand, courts have retained jurisdiction, in order to prevent plaintiffs from having to pay multiple filing fees. Id. However, if summary judgment has been granted in plaintiff's favor, as it has in this matter, courts have entered final judgment in an effort to keep court dockets tidy and reduce burdens on court staff. Id. at 1193. Here, the Court ruled in Mr. Murch's favor and entered final judgment in this matter. Accordingly, the Court no longer retains jurisdiction over Mr. Murch's case.

1 The Clerk is directed to send copies of this order to all counsel of record.

2 Dated this 14th day of June, 2006.

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6 Marsha J. Pechman
7 United States District Judge
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